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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C.,

Plaintiffs,

v.

DELAINE EASTIN, ET AL.,

Defendants.

3:96-cv-04179-TEH

**JOINT STIPULATION RE STANDARDS
OF MEASUREMENT RELATED TO
CURRICULUM-BASED ASSESSMENTS**

Judge: The Honorable Thelton E.
Henderson

On March 30, 2015, the California Department of Education (CDE) filed a request with the Court for an evidentiary hearing to define the standards of measurement used to determine compliance for RSIP items 6.2.1(l) and 9.2.1(j) and (k). Court Docket (CD) No. 2032. The Court denied CDE's request for an evidentiary hearing, but "agree[d] that it would be helpful to develop an operational definition of a 'curriculum-based assessment' in order to ensure that Defendants are provided fair notice of what is required to comply with these RSIP items." CD No. 2034. The Court thus ordered the parties to file a joint stipulation or, absent agreement, separate statements to address the appropriate definition or standards of measurement for these RSIP items. *Id.* The parties, by and through their attorneys, now stipulate to the following:

- For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), "[t]he term curriculum-based assessment (CBA) means simply measurement that uses 'direct observation and recording of a student's performance in the local curriculum as a basis for gathering information to make instructional decisions.'" J.C. Witt, et al., *Assessment of at-risk and special needs children* (2nd ed. 1998), quoting S.L. Deno, *Curriculum-based measurement. Teaching Exceptional Children* at 41 (1987).
- Attached as Exhibit A to this stipulation is a list of curriculum-based assessments used by the Ravenswood City School District for the 2014-15 school year. When measuring whether the District has met the requirements in RSIP items 6.2.1(l) and 9.2.1(j) and (k), the Monitor will deem any assessment from Exhibit A to be a compliant curriculum-based assessment, with the exception of teacher-created assessments. If the District wishes to use a teacher-created assessment for a particular student or group of students, the District will submit that assessment instrument to the Monitor.¹

¹ Teacher-created assessments may be considered to be compliant curriculum-based assessments for some students, including but not limited to students with significant intellectual disabilities. The parties and the Monitor acknowledge that providing an appropriate curriculum-based assessment may be difficult, or even inapplicable, for some students. The District will work closely with the Monitor to ensure that teacher-created assessments provided to such students will not be deemed noncompliant.

- 1 • If there are changes to the list of curriculum-based assessments used by the District,
- 2 the District will submit an updated list to the Monitor and the parties. The updated
- 3 list will have the same force and effect as the list that it replaces.
- 4 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), the “California curriculum
- 5 framework” is the Common Core State Standards.
- 6 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), “each curricular area”
- 7 includes only math, reading, and/or writing, as appropriate.²
- 8 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), a curriculum-based
- 9 assessment is not required for preschool students and students for whom the
- 10 assessment does not pertain to academic performance (*e.g.*, a “speech-only”
- 11 assessment).
- 12 • The District has conducted training to ensure that its staff use curriculum-based
- 13 assessments deemed compliant for purposes of RSIP items 6.2.1(l) and 9.2.1(j) and
- 14 (k). The District expects that this training will dramatically improve the results for
- 15 these RSIP items.

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25 ² Per the Monitor, curriculum-based assessments are one of the methods through which a

26 student’s area of need is determined. The Monitor expects curriculum-based assessments in

27 reading and math for all students with academic needs, and in writing for students with that need.

28 In addition, there have been occasions where an area of need is not identified by the District, but a curriculum-based assessment is required because it is clear to the Monitor that the student has that need (for example, by the student not meeting an IEP goal in that area the prior year).

IT IS SO STIPULATED.

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